

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TENNIS RACQUET EQUIPPED
WITH A TENNIS BALL RETRIEVER

Alice H. Howe

Filed: 09/06/00

) Art Unit: 3711
)
) Serial No.: 09/655,743
)
) Docket No.: MPH 99-46
)

Honorable Commissioner of Patents and Trademarks
Box AF
2900 Crystal Drive
Arlington, VA 22202-3513

TC 3700 MAIL ROOM

APR 29 2002

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Dear Sir:

Transmitted herewith to the United States Patent and Trademark Office are the following:

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2. Response to Office Action Paper No. 9, the Final Rejection
3. Return Receipt Postcard

Dated this 18th day of April, 2002.

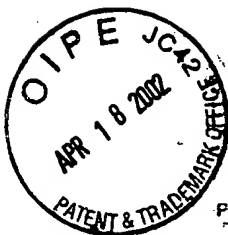
Respectfully submitted,

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/655,743	
	Filing Date	09/06/2000	
	First Named Inventor	Alice W. Howe	
	Group Art Unit	3711	
	Examiner Name	Raleigh W. Chiu	
Total Number of Pages in This Submission	30	Attorney Docket Number	MPH 99-46

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="text-align: right;">TC 3700 HIA APR 29 2002 RECEIVED</div>
Remarks		"The Making of a Tennis Ball", pages 1-9, fax received from Wilson Sporting Goods, leading tennis ball manufacturer.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	M. Paul Hendrickson, Attorney at Law
Signature	<i>M. Paul Hendrickson</i>
Date	04/18/2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 4/18/2002			
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Signature	<i>Nancy J. Zaborowski</i>	Date	4/18/2002

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4/30/02
P119d

In re application of:

Alice H. Howe

TENNIS RACQUET EQUIPPED
WITH A TENNIS BALL RETRIEVER

Attorney Docket No.: MPH 99-46

Application No: 09/655,743 ✓

Art Unit 3711

Examiner: Raleigh W. Chiu

Filing Date: 9/06/2000

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RESPONSE

This communication is in response to Office Action Paper No. 9, the Final Rejection of February 21, 2002 rejecting Claims 1-15 under 35 U.S. C. 103(c).

REMARKS

The final rejection is wrong. The Applicant accordingly submits that the final rejection as being in error, premature and without factual or legal foundation and accordingly, should be withdrawn and the claims allowed.

The Examination fails to consider the unbiased facts of record, fails to establish what each reference (as a whole) teaches, arbitrarily combines references in a manner totally contradictory to the reference teachings, disregards crucial claimed limitations (failing to cite any patent or reference teaching the unique claimed limitation), fails to provide a reference teaching disclosing untaught matters, and relies upon false pretense of an admission of equivalency to justify a fabricated assertion of obviousness. The deficiencies of the Examination become further compounded by a forthright disregard of the Commissioner of Patents directive to follow the legal standards of patentability as clearly set forth in Chapter 21 of the M.P.E.P.

ps.
mc